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SUBJECT: NICARAGUA: CIVAIR DEMARCHE DELIVERED ON COCESNA  
THREAT

REF: SECSTATE 72975

11. (U) On July 14, Embassy officials delivered reftel demarche to Nicaraguan Transport Minister Pablo Fernando Martinez and to the Institute of Civil Aviation's (INAC) legal advisor, Leonel Duarte. We urged Minister Martinez and Mr. Duarte to advise the Central American Corporation for Air Navigation Services (COCESNA) not to suspend its air traffic control services to American Airlines (AA) and to allow the Honduran court system to resolve the dispute between the two parties. (Note: The Department's Office of Aviation Negotiations informed us on July 15 that COCESNA has agreed to allow AA to continue flying while the U.S. tries to resolve the question of rights under our Open Skies aviation agreements. End note.)

12. (SBU) In his conversation with Minister of Transport Martinez, the DCM delivered reftel points and stressed that a decision by COCESNA to stop air traffic control services to American Airlines would be highly disruptive and damaging to Nicaragua's economy. It would also, he explained, likely result in retaliation against Central American air carriers, something that was not needed at a delicate moment in U.S.-Nicaraguan relations. Minister Martinez seemed to understand what was at stake and said that he would "speak to the President" about the situation.

13. (SBU) Econ Counselor delivered demarche points to Leonel Duarte, the legal advisor for INAC, Nicaragua's civil aviation authority. Duarte was less receptive than Minister Martinez and stated that the Government of Nicaragua (GON) had no role whatsoever in the dispute. We explained that the scenario of a cutoff of air traffic control services to American Airlines raised serious concerns in terms of Nicaragua's commitments under its Open Skies aviation agreement with the United States. We further suggested that Nicaragua could play a constructive role in encouraging COCESNA to continue to provide services to AA and to allow the Honduran court system to resolve the dispute. Duarte did not recognize a role for Nicaragua, insisting that the dispute was solely between COCESNA and AA and that the GON would support whatever agreement the parties negotiated in Honduras.

CALLAHAN